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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/032,027	12/20/2001	Kenneth McKenna	14274HUUS01U (22171.304)	5816
27683	7590	04/05/2006	EXAMINER BLOUNT, STEVEN	
HAYNES AND BOONE, LLP 901 MAIN STREET, SUITE 3100 DALLAS, TX 75202			ART UNIT 2616	PAPER NUMBER

DATE MAILED: 04/05/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/032,027

Applicant(s)

MCKENNA ET AL.

Examiner

Steven Blount

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 23 January 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 15 - 16 is/are allowed.
- 6) ☒ Claim(s) 1 - 14, 17 - 21 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 23 January 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1 – 3, 5 – 7, 9 – 10, 12 – 13, and 17 - 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. patent 6,389,028 to Bondarenko et al in view of U.S. patent application US 2003/0108187 to Brown et al.

With regard to claim 1, Bondarenko et al teach receiving a service request from a terminal (col 7 line 20; see also fig 2), receiving status information from a plurality of service providers (col 8 lines 9+) wherein this status information comprises queue information from these service providers regarding position in the queue for the respective user terminal (see col 7 lines 63+). Bondarenko et al does not, however, teach responsive to this queue (status) information, calculating a queue result for each of these providers.

Brown teaches using subscriber information to calculate the queue position. See par 90.

It would have been obvious to one of ordinary skill in the art at the time of the invention to have calculated a queue result (ie, position in the queue) for each of the service providers of Bondarenko et al based on the subscriber information (ie, history)

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of the users, in light of the teachings of Brown et al, in order to more accurately optimize the system resources of the call center to the plurality of its users.

With regard to claim 2, see par 43 and 48 of Brown where callee authentication is taught.

With regard to claim 3, queue attribute (depth) is taught above; further, queue factor (services in use, and historical averages for hold times) used to calculate current wait times are discussed in par 89 and 90 of Brown.

With regard to claim 5, col 8 line 9 of Bondarenko et al discusses choosing the service provider.

With regard to claim 6, col 7 line 63 discusses placing a request in the queue.

With regard to claim 7, see the discussion above and note that col 8 lines 30+ discuss sharing the multiple formats of data.

With regard to claim 9, see the rejection of claim 1 above, and further note the following: SW 30 (col 7 lines 20+) corresponds to the communication module adapted to receive service requests from the terminals; a queuing module is described in col 7 lines 36+ (IP queuing module), and the queuing results module is discussed in col 7 lines 35+ as being SW 30. While SW is not a separate module from the communication module, the examiner notes that there is a separate, corresponding "queuing results module" taught in Brown et al in paragraph 90, data storage system 62, wherein it would have been obvious to one of ordinary skill in the art at the time of the invention to have used separate units in order to make the system easier to implement and service.

With regard to claim 10, see par 89 – 90 where “controller 60 calculates historical averages for call hold queue 70”. See also database 2 which maintains information regarding call hold queue 70.

With regard to claims 12 - 13, the callee is identified in par 43 of Brown.

With regard to claim 17, see the interface in figure 2 of Bondarendo et al.

With regard to claim 18, E-mail and other such types of options are listed in col 8 lines 8+.

3. Claims 8, 14, and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. patent 6,389,028 to Bondarenko et al in view of U.S. patent application US 2003/0108187 to Brown et al as applied above to claims 1 – 3, 5 – 7, 9 – 10, 12 – 13, and 17 - 18, and further in view of U.S. patent 6,498,845 to Martz et al.

With regard to each of these claims, Bondarenko et al/Brown teach the invention as described above, but do not teach assigning a tracking number to the service request, or a module for carrying this process out.

Martz teaches assigning service numbers to call information so that the type of service provided can be identified. See col 3 lines 36+. The means for doing this (ie, the module) is described as being control computer 14.

It would have been obvious to one of ordinary skill in the art at the time of the invention to have provided Bondarenko et al/Brown with a method/means for assigning a tracking number to the service request, in light of the teachings of Martz et al, in order to be able to keep track of which type of service is being presented to the terminal in an effective manner.

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4. Claims 4, 11, and 19 - 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. patent 6,389,028 to Bondarenko et al in view of U.S. patent application US 2003/0108187 to Brown et al as applied above to claims 1 – 3, 5 – 7, 9 – 10, 12 – 13, and 17 - 18, and further in view of U.S. patent 6,493,695 to Pickering et al.

With regard to claim 4, Bondarenko et al/Brown et al teach the invention as described above, but do not teach the use of a business judgment rule to quantify customer information data. This is taught in Pickering et al in col 9 lines 24+ (see gold, silver, etc. description). It would have been obvious to one of ordinary skill in the art at the time of the invention to have provided Bondarenko et al / Brown et al with a business judgment rule in light of the teachings of Pickering et al in order to help determine the required call times for each of the individual users.

With regard to claim 11, note the use of routing module 216 which acts as both the costing module and further note that customer data of a historical nature is collected, as described in col 10 lines 15+.

With regard to claim 19, the SW in Bondarenko et al discussed above receives service requests from terminals (see figure 1) and relaying the data on the availability of service providers as discussed above and shown in figure 2; and also a means for determining caller id in Bondarenko et al as is discussed above; the queuing result, attribute, and factor means of Brown are discussed above, and note the customer relationship database 202D shown in figure 2 (202D, etc) of Pickering.

With regard to claim 20, Bondarenko et al/Brown et al manage the plurality of queues as discussed above.

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5. Claim 21 is rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. patent 6,389,028 to Bondarenko et al in view of U.S. patent application US 2003/0108187 to Brown et al and U.S. patent 6,493,695 to Pickering et al as applied to claim 20 above, and further in view of U.S. patent 6,498,845 to Martz et al.

Bondarenko et al/Brown et al/Pickering et al teach the invention as described above with respect to claim 20, but do not teach a means for tracking customer information. This is taught in Martz et al. See the discussion above. It would have been obvious to one of ordinary skill in the art at the time of the invention to have used a customer tracking means in the system taught in Bondarenko et al/Brown et al/Pickering et al in light of the teachings of Martz et al in order to provide a means for distinguishing the caller information in the queues.

6. Claims 15 – 16 are allowed.

7. The examiner finds applicants arguments unconvincing.

The Bondarenko reference states that the status information comprises queue information as stated in the Office action in col 7 lines 63+. Applicant has cited only col 8 lines 9+ when the more pertinent section, *contained in the same sentence cited in the Office action*, is the previously mentioned col 7 lines 63+ : "The information Web page from server 24 informs the user of the current status of the queue in which he or she has a virtual position. Status details include such as number of calls ahead of the users call, estimated wait time before a response from an agent will likely be initiated, and so on."

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Applicant is incorrect in stating that Bondarenko is directed to a single medium. Bondarenko teaches at least the alternative uses of COST and IPNT calls. See col 8 lines 30+.

Bondarenko teaches the tracking and queueing mechanism.

***Conclusion***

8. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

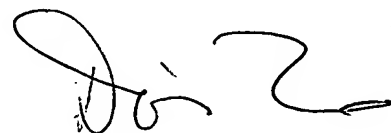
9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Steven Blount whose telephone number is 571 - 272 - 3071. The examiner can normally be reached on M-F 9:00 - 5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Chau Nguyen, can be reached on 571 - 272 - 3126. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.



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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



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9/7/05